

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT

AT LYNCHBURG, VA

FILED

AUG 05 2013

JULIA C. DUDLEY, CLERK

BY:

DEPUTY CLERK

UNITED STATES OF AMERICA,

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Case No. 3:00cr00066-1

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v.

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ORDER

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ERIC MARTIN VAN BUREN.

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By: Norman K. Moon

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United States District Judge


In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Van Buren's motion for reconsideration (Docket No. 103) is **DENIED** and Van Buren's motion is **CONSTRUED** as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255;
2. The clerk is **DIRECTED** to re-docket the motion (Docket No. 103) as a § 2255 motion;
3. The § 2255 motion is hereby **DENIED** without prejudice as successive and stricken from the active docket;
4. Van Buren's motion to appoint counsel (Docket No. 104) is **DENIED** as moot; and
4. A certificate of appealability is **DENIED**, based upon my finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: This 5th day of August, 2013.


United States District Judge